

BOARD of APPEALS
Public Hearing
April 17, 2014
7:30 p.m., The Annex

MEMBERS PRESENT: Richard O'Leary
Cynthia McKean
Brian Ivanhoe, Chairman

MEMBER ABSENT: Lisa Douglas
James Murphy

OTHERS PRESEN Gerald Reilly, Counselor
Bruce Thompson, Building Inspector
Janice Will, Recording Secretary
Members of the Public

Chairman Brian Ivanhoe called the April 17, 2014 Town of North Salem Zoning Board of Appeals meeting to order.

The Chairman announced that as only 3 Board members were present, a unanimous decision would be required for all applications. He explained that anyone who would rather have their application held over until May in hopes of being heard by a full Board could do so at no additional cost to them.

The next meeting date was set for May 8, 2014.

The minutes of the March 13, 2014 meeting were unanimously approved.

PUBLIC HEARINGS:

BA14-09 Roger Quinland (8 Whittier Hills Drive) – **Area Variance** - For installation of a generator and propane tank in an R-1 zoning district, per Article V Section 250-15. A rear yard setback variance of 38 ft. is requested (50 ft. required; 12.8 ft. existing; 12 ft. proposed).

Roger Quinland addressed the Board, explaining that he was asking for a rear yard setback variance because his house is set very far back on his property and there is not much room. Remarking that even the house is inside the setback, Mr. Quinland said he would like to have a propane-powered back-up generator installed.

Chairman Ivanhoe asked if Mr. Quinland already has a propane tank to use for the generator.

Mr. Quinland explained that he does not have the propane tank and also that he plans to have the generator installed on an existing pad.

The Chairman asked if it is a 20 kilowatt generator, and Mr. Quinland replied that it is.

Noting there were no questions or comments, the Chairman closed the public hearing.

Gerald Reilly read a draft resolution, including the finding that the house's non-conforming location on the subject property necessitates placement of the generator/tank within the rear setback.

Motion by: *Cynthia McKean*
Seconded by: *Richard O'Leary*

Mr. O'Leary: *Aye*
Ms. McKean: *Aye*
Chairman: *Aye*

Area variance granted, as requested.

BA14-10 – Christine and Bijal Sheth (4 Bogtown Road) – **Area Variance** – For construction of an in-ground swimming pool in an R-2 zoning district, per Article V Section 250-15. A rear yard setback variance of 25 ft. is requested (50 ft. required; 25 ft. proposed).

Chris Nejame, pool contractor, was present for the Sheths. He said there is an existing deck at the rear of the house which is to be removed for construction of the pool. He explained that the pool will have to be approximately 7 ft. from the house, and there is a lot of rock present that might require moving the pool a little, but the 25 ft. variance will allow enough room.

The Chairman asked what will be built around the pool.

Mr. Nejame said there is no plan in place yet, but he imagined that another wood deck will be built. He said the rear yard slopes upward at the rear, so the deck height will range from 1 ft. to 3 ft. above the ground.

Chairman Ivanhoe said the proposed location of the pool is appropriate, given the location of the house. He asked about fencing.

Mr. Nejame said the existing fencing is 4 ft.-high chain link with self-closing gates, etc., but he will have to check to see if all of it meets pool enclosure safety requirements. He added that he will have to alarm the entrance to the pool area from the house.

Mr. Reilly asked if all the fencing is existing.

Mr. Nejame said some of it will be new/added on.

Noting there were no further questions, the Chairman closed the public hearing.

Mr. Reilly read a draft resolution, noting that topographical features, the house's location to the rear of the subject property, and existing fencing all drive the proposed location of the pool.

Motion by: *Richard O'Leary*
Seconded by: *Cynthia McKean*

Mr. O'Leary: *Aye*
Ms. McKean: *Aye*
Chairman: *Aye*

Area variance granted, as requested.

BA14-11 Allied Community Enterprises, Inc. (contract vendee, 602 Route 22) – Use Variance – For the resumption of the residential use of a non-conforming, 4-bedroom single-family dwelling in a GB zoning district and to allow alterations to create a 3-bedroom single-family dwelling with 1-bedroom accessory apartment , per Article XIV Section 250-80 (C).

Joan Arnold, Executive Director, and Henry Kensing, Board Vice President, of Allied Community Enterprises, Inc. were present.

Ms. Arnold stated that ACE was seeking a Use Variance, because the non-conforming residential use of the subject property expired. She further stated that the residential use lapsed because the septic system failed. Ms. Arnold explained that ACE intends to renovate the house for an owner/occupier with an accessory apartment on the lower level. Ms. Arnold said that the General Business district permits mainly commercial uses and also multi-family dwellings (3 housing units or more), but the subject property is not large enough for any of the permitted uses.

Ms. Arnold stated that ACE intends to employ a new decentralized septic system for which grant money is available to them due to their status as a non-profit developer of affordable housing. She said she would like to bring the issue of Croton Falls' generally limited septic systems to the attention of the County.

Ms. McKean asked what the capacity of the new septic system will be, and Ms. Arnold responded that it is 3 to 4 bedrooms.

Mr. Reilly asked if the application is for a 3-bedroom house with a 1-bedroom apartment.

Ms. Arnold said it is/ACE is keeping to the existing bedroom count. She added that she hopes to see the ZBA again in May with an application for an accessory apartment.

Mr. O'Leary asked if the system will need to be pumped.

Ms. Arnold explained that it will employ a filter system but will also need to be pumped.

The Chairman noted that Ms. Arnold had said the house will be owner-occupied. Mr. Reilly pointed out that it will have to be owner-occupied in order to satisfy the requirements for an accessory apartment.

Ms. Arnold stated that the house will be marketed as affordable, and only people with up to about 80% of area (County) median income will be eligible to purchase it.

The Chairman noted that the owner will receive income from the apartment.

Ms. Arnold said this set-up is a good model.

Chairman Ivanhoe asked if Ms. Arnold has seen it work before, and she replied that she has, in Katonah and Pleasantville.

The Chairman said he assumed the tax assessment for such a property would be appropriate.

Ms. Arnold said payment of taxes is part of the overall model. She noted that it is always a concern that affordable housing won't pay its share of taxes but there will be a tax bill.

Mr. O'Leary said he had no problem with the return to residential use/the proposal will not have a high impact on the neighborhood. He said he was interested in the architectural details and the mechanics of what ACE does, and he asked why they buy and sell properties and who they then sell those properties to.

Ms. Arnold said ACE is in the business of converting abandoned/derelict properties into affordable housing. She explained that A-Home mostly manages such properties, and ACE develops them.

Mr. O'Leary asked how 602 Route 22 would be sold.

Ms. Arnold stated that ACE must go along with the requirements of the settlement between the County and the Federal government regarding fair housing. She explained that ACE gets funding from the County to purchase properties, and then there are AHC grants available for home-ownership. She said ACE develops the properties/oversees construction, and the Housing Action Council collects applications for a lottery system used to select an eligible owner/tenant. Ms. Arnold said one of the requirements of the settlement is that affordable housing be advertised in 9 counties. All applicants are assigned a lottery number, and then there is a drawing.

Ms. Arnold said that higher income is permitted and credit-worthiness is important when properties are for sale.

The Chairman asked about financing.

Ms. Arnold said the County funds construction, and the mortgage will be held by a bank.

Chairman Ivanhoe asked if Ms. Arnold had a projected price for the renovated house, and she answered that she thinks it will be sold for about \$239,000.

Mr. O'Leary said he assumed the renovation project budget will be a higher amount than that.

Ms. Arnold said it will be over \$500,000.

Mr. O'Leary asked if the house and apartment will count as 2 housing units toward satisfying the settlement, and Ms. Arnold replied that they will.

The Chairman asked if the affordable house will impact market prices in the neighborhood.

Ms. Arnold said she has found this does not occur, because the property is appraised at the higher amount, even though the taxes paid will be based on its price as an affordable property. She stated that people do worry about affordable housing having a negative effect on market prices, but it does not actually affect them.

Ms. McKean asked what would happen if the owner wants to sell the house.

Ms. Arnold said they may do so, but only according to a formula for affordable housing and only to someone who meets affordability guidelines, which is monitored by the County/there is a deed restriction.

The Chairman asked if such a restriction runs in perpetuity.

Mr. Reilly remarked that the restriction will eventually expire.

Ms. Arnold said Mr. Reilly was correct/it will last for 50 to 60 years.

Mr. O'Leary suggested moving the main entrance of the house from the living room as shown to the kitchen at the opposite end of the rear of the house, because it will be quieter and somewhat more private. He stated that employing the same stairs and deck as depicted in the submitted plans but moving them, the residence could have a grill on a deck off the kitchen. He added that this change should not affect the cost of the renovations to the house.

Chairman Ivanhoe agreed that more privacy at the entrance would be an improvement.

Mr. O'Leary showed the Chairman how the door on the submitted plan could be changed to a window and a door added to the kitchen.

The Chairman thought it would be better to have less activity occurring right on Route 22.

Mr. O'Leary also suggested adding a fourth second floor window and lining up the first and second floor windows to give a sense of the historic/traditional street front and not look so random.

Ms. Arnold commented that the bedroom involved is large enough for a second window.

The Chairman asked what color the house will be, and Ms. Arnold said it is undecided. Mr. O'Leary said he wasn't concerned about the color, but he would like to see some of the roof edge and trim preserved if it doesn't affect the cost. He said Tom Christopher (local business-owner) has done a nice job of renovating a couple of old buildings in Croton Falls while preserving some elements.

Mr. O'Leary stated that he had no objection to the residential use of the property or to the addition of an accessory apartment. He said his suggestions about the appearance of the building were only that.

Chairman Ivanhoe said he would want some conditions in the resolution regarding the appearance of the building. He explained that he felt it was important for the Board to be sure and take into account the effect on the neighborhood, adding that the property is in a gateway location. The Chairman said he would open the discussion up to members of the public at this point.

Tom Christopher, owner of businesses at 3 East Cross Street and 3 Front Street rose to address the Board. He said he was confused about the lottery and financing and also concerned that affordable housing will bring transients, and he asked what was meant by "gateway".

Chairman Ivanhoe said it means the property is, visually, an entrance to the neighborhood.

Mr. Christopher said he approves of efforts to give people a leg up, but he also has lived in areas where affordable housing has brought problems/he has seen public housing destroy neighborhoods, and he wanted to know what the standards will be for this property in Croton Falls.

Mr. Reilly stated that the subject property will not be public housing; it will be owner-occupied with a tenant, and the owner will have a mortgage.

Mr. Christopher asked how a lottery figures into things.

Ms. Arnold stated that Westchester County is under a court order to integrate and market affordable housing widely/in 9 counties.

Mr. Christopher commented that there are a lot of units in Bridleside (affordable rental apartments).

Ms. Arnold stated that the County is obligated to provide 10,000 affordable homes. She also said the maximum permitted family income for eligible applicants will be approximately \$100,000 per year.

Mr. O'Leary said he would like to see someone local qualify to buy the house, adding that having the apartment for income will be very helpful. He asked if a Town resident or someone who works in Town will have any advantage.

Ms. Arnold said they will not have any advantage/the selection is random. Chairman Ivanhoe asked what the regulations will be for the apartment, beyond the typical ones.

Mr. Reilly said the standards put forth in Chapter 250-68 of the Zoning Ordinance would apply, and the Board may impose conditions.

The Chairman asked who will set the rent, and Ms. Arnold responded that the County will determine the rent because it is affordable housing.

Mr. Reilly asked if the tenants will be chosen by lottery also, and Ms. Arnold said they will be.

Mr. O'Leary asked the Building Inspector is there is a limit to the number of people who may live in a one-bedroom unit.

Mr. Thompson stated that New York State Code requires a minimum bedroom size of 80 sq. ft. for 1 person, and another 60 sq. ft. for a second person in that bedroom, so it is reasonable to think 2 people would be the maximum number of residents for a one-bedroom apartment.

Mr. Christopher said it sounded like the owner will not get to choose who lives in the apartment in his house.

Ms. Arnold said the owner will be able to choose from among qualified applicants.

Mr. O'Leary asked if the building managed by A-Home at 606 Route 22 is subject to the same standards.

Ms. Arnold said there are 4 affordable rental apartments in the house. The renovation was completed in 2003 and the settlement was not handed down until 2009, so the apartments do not come under the settlement.

Mr. O'Leary asked how 606 Route 22 and the red house at 2 East Cross Street are handled.

Ms. Arnold said the apartments in both buildings may be rented to anyone who is income eligible, without any lottery. She added that A-Home has an admissions committee to vet applications for 606 Route 22.

Mr. Christopher asked how many more buildings would be converted to affordable housing.

The Chairman explained that only properties in real disrepair are appropriate for these renovations, at which point it is a public service to convert them. He said he was curious to hear from residents how the other buildings are as neighbors.

Mr. Christopher said he is in his building at 3 East Cross Street for about 12 hours a day, so it is almost as if he lives there, and he has found that 606 Route 22 is very quiet, but the residents of 2 East Cross Street have caused some problems.

Chairman Ivanhoe asked if both buildings are managed by A-Home.

Ms. Arnold said Westhab owns the house at 2 East Cross Street.

Mr. Christopher remarked that 602 Route 22 is a dangerous corner, adding that someone was killed there last year. He asked where residents of 602 Route 22 will park.

Ms. Arnold said there is parking at the rear of 602 Route 22, but Mr. Christopher said he did not think there was room for much.

Ms. Arnold said there is room enough for that house.

Mr. Christopher asked about guests, and Ms. Arnold said they will have to look elsewhere for parking spaces.

Mr. Christopher commented that cars race around in the vicinity of the railroad bridge, and a pedestrian was hurt there recently by a speeding car.

Looking at the site plan, the Chairman commented that it looked to him as though a few parking spaces could be added on the subject property.

Ms. Arnold said it is possible, although the house must have 2 spaces and the apartment also requires 2.

Chairman Ivanhoe said that if there is room to add any more parking for guests it would be good to do so. He noted that only 3 spaces are indicated on the site plan.

Mr. Reilly said if there are only 3 spaces, an area variance will be required.

Mr. Thompson pointed out that ACE is not applying for a special permit yet/they have time to correct the number of parking spaces.

Mr. Thompson noted that moving the stairs/deck to the other end of the house will also require an area variance.

Mr. O'Leary said the deck/stairs on the submitted plan would require a variance also, because of the way the stairs are built several feet out/away from the house to allow daylight to enter through the windows of the lower level unit.

Mr. Thompson stated that if the use variance application is approved, Ms. Arnold should be prepared to apply for area variances for the stairs/deck and possibly parking when she returns with a Special Permit application for the accessory apartment.

Mr. Christopher said he did not understand how the lottery system will work, and he reiterated his concern about transient tenants.

Ms. Arnold said the arrangement won't be transient.

Mr. Christopher said it sounded to him as though the tenants will be selected by the State and the property owner won't know the tenants.

Chairman Ivanhoe said he thought the owner would be chosen by lottery, then there will be a similar lottery for the apartment (for which there will be a 1 year lease), and a list of income-eligible tenants will be offered to the owner to choose from.

Ms. Arnold said the Chairman was correct, adding that the owner will choose from 3-4 applicants.

Mr. Christopher expressed concern about how many people might live in the apartment, but Chairman Ivanhoe said the Building Inspector had explained that a 1-bedroom apartment would be for 1 or 2 people.

Mr. O'Leary pointed out that the 3-bedroom house with a 1-bedroom apartment could have up to 8 people.

Mr. Christopher commented that 8 residents is a lot of people, and the subject property is in a very busy area.

Ms. Arnold mentioned that the house had several residents in the past.

The Chairman said he thought the Board would ask for 1 more parking space than the 4 spaces required.

Mr. Reilly stated that Ms. Arnold's design people should draw up plans to show to Mr. Thompson so it can be decided what variances may be required.

Ms. Arnold remarked that if there are 8 people living in the house, chances are they won't all be drivers.

Mr. O'Leary asked what the zoning standards are regarding non-family members residing in the primary dwelling, saying he wanted to know if the owner could rent the house out. Ms. Arnold said the County standards are stricter for this kind of affordable housing unit.

Mr. O'Leary asked how the Town limits the number of non-family members who may live in a home.

The Building Inspector said the word family actually only means a group of people sharing the same common areas in a house.

Mr. Reilly said the bank will impose some restrictions/it is unlikely that a group of unrelated people may pool their assets in order to qualify for a mortgage.

Ms. Arnold said the Housing Action Council does home-ownership counselling in addition to the screening. She went on to say that they have been very successful with the home-ownership counselling.

Ms. McKean asked if it was correct to say that the apartment will not be subsidized or Section 8 housing.

Ms. Arnold stated that she could only say that she did not think there would be Section 8 tenants. She explained that when an income eligible person cannot afford to pay the rent on an affordable housing unit, Section 8 steps in to cover the difference/enable that person to pay the rent. She said she could not say for certain that the person who rents the apartment at 602 Route 22 will not be a Section 8 tenant.

Mr. Christopher said a landlord actually can say no to Section 8. He explained that he had rental apartment units in Queens in the past and was always being approached by Section 8 personnel. Mr. Christopher commented that it sounds great, but it is impossible to evict Section 8 tenants and they invite a lot of people into their apartments (both visitors and people who stay). He said it is a good idea, on paper, to want to try and help people, but he was advised always to say no to requests to have Section 8 tenants.

Ms. Arnold stated that a landlord may not discriminate against someone based on their source of income.

Mr. Reilly pointed out that the property-owner will still get to choose the tenant.

The Chairman asked Ms. Arnold what the maximum permitted income for a single tenant for the subject apartment would be, and she responded that it is approximately \$34,000 to \$43,000 per year.

Mr. Christopher said Section 8 can be very attractive to a landlord, because rent payment is guaranteed.

Mr. Thompson said he thought Section 8 only paid the difference, but Mr. Christopher said the government pays the entire rent.

Mr. Thompson asked if that meant the tenant pays their portion of the rent to the government.

Ms. Arnold said the tenant pays 30% of their monthly income and Section 8 pays the balance. A welfare recipient would get \$275 toward their rent; if the rent was \$950, Section 8 would pay the difference between \$275 and \$950. Ms. Arnold said she could not say the apartment will not be rented by a Section 8 recipient, but she added that the building owners will be free to say they do not want a Section 8 tenant if that is the case.

Chairman Ivanhoe suggested the discussion of tenant selection be put aside until the Special Permit application is to be heard.

Ms. Arnold said she will try to bring someone with her to explain how the lottery works.

Mr. Christopher admitted that his experience with Section 8 was quite a while ago, and he said it was the government who would call him and offer Section 8 tenants.

Ms. Arnold remarked that Section 8 vouchers are few and far between.

The Chairman said it seems there would be less money available in the Federal budget than there might once have been, but Mr. Christopher said a lot of money is going into public assistance.

Liz O'Leary of 637 Route 22 asked about repairs, maintenance and landscaping on the subject property both before and after the house is purchased.

Ms. Arnold said there will be money in reserve to keep the property up.

Ms. O'Leary asked if upkeep is a priority. She suggested that landscaping that would provide a little privacy for the residents would be a good thing, especially given that traffic routinely backs up on Route 22, leaving cars essentially parked right next to houses situated like the one at 602 Route 22.

Ms. Arnold said maintenance and appearance are priorities; A-Home has kept the property at 606 Route 22 well-maintained.

Ms. O'Leary said she was also interested in the care to be taken by the future owner, adding that the property looks very bad at present.

Rick O'Leary asked what the ACE budget is for landscaping and hardscape work.

Ms. Arnold said it is somewhere between \$5,000 and \$30,000, adding that ACE is aware that something is needed at the corner.

The Chairman said the Board would like to see something about landscaping included in the upcoming Special Permit application.

Ms. Arnold asked if the Board would like a fence, and what the limits are on fence height.

Mr. O'Leary said a fence might be too fortress-like/landscaping would be better.

Ms. Arnold said some nice evergreens would be softer-looking.

There were no further questions or comments, and the Chairman closed the public hearing.

Mr. Reilly noted that the application was for an unlisted action under SEQR, and the Board of Appeals, as the only involved agency, should declare itself to be the lead agency.

Chairman Ivanhoe announced that the Board of Appeals was the Lead Agency.

Mr. Reilly stated that the Planning Board was an Interested Agency, having sent the Board of Appeals a memo recommending the granting of the use variance.

Noting that the short EAF submitted was adequate, Mr. Reilly stated that the Board should consider all the issues raised in the short EAF prior to voting to approve the application. Mr. Reilly reviewed the questions in the short EAF with the Board. He noted that the proposed use is consistent with the community's Master Plan and the affordable housing settlement the Town is involved in.

Mr. Reilly called on the Board to vote to make a Negative Declaration regarding the proposal's potential environmental impact per the short EAF. He pointed out that the use variance was only required because the residential use of the property had been abandoned for more than a year.

Motion by: *Cynthia McKean*
Seconded by: *Richard O'Leary*

Ms. McKean: *Aye*
Mr. O'Leary: *Aye*
Chairman: *Aye*

Mr. Reilly read a draft resolution for the use variance, noting the following:

- The subject property consists of approximately 5,000 sq. ft. The uses approved for the General Business district are not feasible, given their requirements of 10,000 sq. ft. up to 160,000 sq. ft.
- The subject property's zoning permitted single-family residential use until 1987 and is surrounded by 2 residential districts now. The hardship is not self-created, but was caused, albeit unintentionally, by ratification of the new zoning in 1987.

- If the septic system had not failed, the use of the property would still be residential/not require a Use Variance.
- There is no viable economic alternative other than residential use of the subject property.
- The subject property is in a neighborhood that is characterized by other residential districts, so the proposal would not change the character of the neighborhood and is in agreement with the Town Code and the Master Plan.
- In order for the property to be viable for the applicant, the requested variance is the minimum variance to allow the proposed project to go forward and benefit the neighborhood.

Mr. Reilly requested that the Board make a motion on the use variance, to be conditioned on compliance with the Board's concerns for the project. He noted that the applicant was advised to return with a special permit application and also to present the Building Inspector with plans so that he can determine if and what area variances will also be needed.

Mr. O'Leary asked if the property could revert back to General Business uses in the future.

Mr. Reilly explained that such uses would require tremendous area variances, but it could be attempted.

Mr. Thompson said he did not know what the zoning was before 1987, so he did not know to what extent residential uses were permitted then.

Mr. Reilly noted Mr. Thompson's statement and stated that whatever the zoning was, the property was used as a residence.

Motion by: *Cynthia McKean*
Seconded by: *Richard O'Leary*

Mr. O'Leary: *Aye*
Ms. McKean: *Aye*
Chairman: *Aye*

Use variance granted, as requested.

BA14-12 Pietsch Gardens Co-operative – (Cottage Lane) - **Area Variance** – Per Article V Section 250-15, to decrease the minimum rear yard setback in an R-1 zoning district from 50 ft. required to the distances shown on a lot-line change map between 884-894 Peach Lake Road (property of Marilyn and John Gizzi) and Pietsch Gardens, specifically on the south side of Cottage Lane and involving one Co-op lot and 17 proprietary lots. The applicant also requests a variance to decrease the minimum rear yard setbacks for the Co-op and the 17 households on Cottage Lane in order to legalize as-built conditions on those lots.

Nancy Tagliafierro, attorney, was present for Pietsch Gardens. She stated that Chris Harrigan of Pietsch Gardens was also present. Ms. Tagliafierro explained that one of the lots described in the agenda as belonging to the Pietsch Gardens Co-op actually belongs to the Town sewer district. She stated that when the Gizzi had a survey done of their property, it was discovered that numerous lots on Cottage Lane had sheds, decks, patios, etc. that are actually on the Gizzi property. In a lot-line adjustment, the Gizzi are conveying a 25 ft.-wide strip of their property to Pietsch Gardens. After the lot-line change, those structures, etc. will be on Pietsch Gardens property, but they will still not meet the 50 ft. rear yard setback requirement. Ms. Tagliafierro said some of the lots on Cottage Lane received variances in the past that are no longer accurate, and some others never applied for variances, but need them to legalize the conditions on their proprietary lots.

Chairman Ivanhoe said he found the application to be straight forward.

Mr. O'Leary asked if there is a recommendation memo from the Planning Board in the application, and Ms. Tagliafierro said there is.

Ms. Tagliafierro showed the Board a color-coded map that shows which lots have variances, which structures don't require variances, and which lots require new variances.

Mr. O'Leary asked what the rear yard setback requirement is, and Ms. Tagliafierro replied that it is 50 ft.

The Chairman asked about the lots with existing variances.

Ms. Tagliafierro explained that all the setbacks will change as a result of the lot-line adjustment, so it seemed like a good opportunity to straighten everything out.

Mr. Reilly commented that some of the past variances might include space that was actually on the Gizzi property.

Ms. Tagliafierro said that was true, and another issue was that some of the variances do not quote specific distances.

It was noted that some things that belong to one property appear to be partly on another lot.

The Building Inspector explained that this happened because in the past applications were made and variances granted based on information in the proprietary lease descriptions as accepted by the Co-op/there were no certified surveys. He said that Pietsch Gardens finally has survey information, and all these as-built conditions can be legalized accurately. Going forward, Co-op residents will have to come forward as individual lot-owners.

Mr. O'Leary asked if they are individual lots.

Mr. Thompson said they are, as proprietary lease lots. He noted that the side lines are not currently shown, but the new, final survey will include side lines.

Mr. Harrigan said the side lines on Cottage Lane had all been worked out to fit.

The Chairman asked how the lot-line change had come about, and Ms. Tagliaferro said that in exchange for the 25 ft. strip, the Gizzis would be given a lake access easement from Pietsch Gardens.

Mr. Thompson said the Pietsch Gardens Co-op board deserves a lot of credit for finally getting past a lot of resistance and having the surveys done.

Noting there were no further questions, the Chairman closed the public hearing.

Mr. Reilly read a draft resolution, noting that the individual area variances will be granted per Schedule B (specific area variances) Schedule C (color-coded map) and the lot-line change map included in the application.

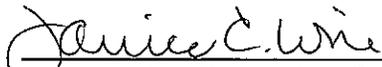
Motion by: **Richard O'Leary**
Seconded by: **Cynthia McKean**

Mr. O'Leary: **Aye**
Ms. McKean: **Aye**
Chairman: **Aye**

Area variances granted, as requested.

The meeting was adjourned at approximately 9:15 pm.

Respectfully submitted,



Janice Will, Recording Secretary